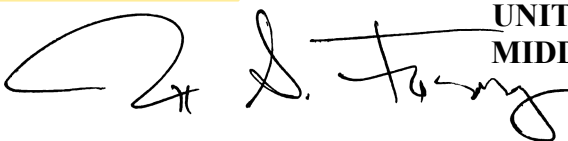


MOTION GRANTED. The Court will hold a discovery dispute conference with the parties on May 27, 2022 at 9:30 a.m. via telephone. All parties shall call 1-877-336-1831, and when prompted for the access code, enter 7039387# to participate. If a party has difficulty connecting to the call or has been on hold for more than five (5) minutes, please call 615-736-7344.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION



G. MARIE NEWBY, Individually, and)
As Administratrix of THE ESTATE OF)
TERRY CHILDRESS,)

Plaintiffs,)

v.)

CORECIVIC OF TENNESSEE, LLC,)
as owner and operator of TROUSDALE)
TURNER CORRECTIONAL CENTER,)
DAMON HININGER, STEVE CONRY,)
RAYMOND BYRD, and SHAWNA)
CURTIS,)

Defendants.)

Civil Action Number 3:22-CV-93
Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Jeffery S. Frensley
Jury Demand

MOTION TO HOLD RESPONSE TO SUBPOENA *DUCES TECUM* IN ABEYANCE

On or about April 8, 2022, Plaintiff G. Marie Newby issued a subpoena *duces tecum* to attorney Tricia Herzfeld at Branstetter, Stranch & Jennings, PLLC. (Docket Entry 28). The subpoena *duces tecum* requested: “All discovery, inclusive of deposition testimony, produced by Defendant CoreCivic, Inc., its current or former agents, and its current or former employees in MDTN Case 3:19-CV-00486, *Boaz Pleasant-Bey v. State of Tennessee, et al.*” (*Id.*). The subpoena *duces tecum* set a date for compliance of May 4, 2022. (*Id.*). Defendant CoreCivic of Tennessee, LLC (“CoreCivic”) takes issue with the subpoena *duces tecum* for various reasons. Counsel for the parties spoke by telephone on April 22, 2022, and were not able to reach a resolution. Given this, per the Initial Case Management Order and the Practices and Procedures for Magistrate Judge Jeffrey S. Frensley, on April 28, 2022, CoreCivic wrote Judge Frensley to

request a discovery conference.¹ The undersigned counsel understand that Judge Frensley is covering criminal duty on behalf of the Court and that many court personnel are in the process of moving to the new Federal Courthouse. Given this, CoreCivic respectfully moves the Court to hold in abeyance any requirement that Ms. Herzfeld comply with the subpoena *duces tecum* until the parties can confer with the Court, as they are required to do. Please note that this Motion to Hold Response to Subpoena *Duces Tecum* in Abeyance is being provided to Ms. Herzfeld.

Respectfully submitted,

/s/ Joseph F. Welborn, III
Joseph F. Welborn, III (#15076)
joe.welborn@klgates.com
Erin Palmer Polly (#22221)
erin.polly@klgates.com
Terrence M. McKelvey (#36531)
terrence.mckelvey@klgates.com
K&L Gates LLP
501 Commerce Street, Suite 1500
Nashville, Tennessee 37203
(615) 780-6700
(615) 780-6799

*Counsel for Defendants CoreCivic of
Tennessee, LLC, Damon Hininger, Steven
Conry, Raymond Byrd, and Shawna Curtis*

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon Filing Users via the electronic filing system and on other counsel via U. S. Mail, first-class postage prepaid, this May 4, 2022, on the following:

Daniel A. Horwitz
Lindsay E. Smith
Horwitz Law, PLLC
4016 Westlawn Drive
Nashville, Tennessee 37209

Brice M. Timmons
Craig A. Edgington
Donati Law, PLLC
1545 Union Avenue
Memphis, Tennessee 38104

/s/ Joseph F. Welborn, III

¹ A copy of the correspondence to Judge Frensley is attached hereto as Exhibit A.